

REMARKS

Claims 1-5, 7-10, and 12-13 have been previously presented. Claims 6 and 11 are cancelled. Accordingly, claims 1-5, 7-10, and 12-13 are pending examination.

Rejection of claims 1 and 7 under 35 U.S.C. § 103

Claims 1 and 7 are the only independent claims that are pending. The previous Office Action rejected claims 1 and 7 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2004/013794 (Lee) in view of U.S. Pat. Pub. No. 2004/0127233 (Harris). This Office Action maintains this same rejection.

In response to the prior Office Action, the Applicant argued that the cited art teaches against the combination of these references as prohibited by MPEP2145(X)(D)(2). The Applicant has reviewed the pending Office Action and cannot find a response to the Applicant's argument. For instance, the section of the pending Office Action entitled "Response to Arguments" asserts that the Applicant argued that "you can not modify Lee's device with tone detection circuitry." However, the Applicant's previous response did not make this argument. As a result, the Applicant respectfully requests a response to the previously advanced argument that the cited art teaches against the combination of these references as prohibited by MPEP2145(X)(D)(2).

Rejection of claims 2-5, 8-10, and 12-13

Claims 2-5, 8-10, and 12-13 each depends directly or indirectly from independent claims 1 or 7. Since each of claims 1 and 7 is believed to be in condition for allowance, claims 2-5, 8-10, and 12-13 are believed to be in condition for allowance.

CONCLUSION

For all the foregoing reasons, allowance of the pending claims is respectfully requested. No fees are due with this response. If additional fees are due, the Commissioner is authorized to charge any additional fee(s) to Deposit Account No. 50-3001 of Kyocera Wireless Corp. If necessary, applicant requests, under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application and to charge the fees for a large entity under 37 CFR 1.17(a).

Respectfully Submitted,

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